



2633/4

#9

Docket No. DYOUP0211US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of

RECEIVED

APR 20 2004

Technology Center 2600

Applicant: David John Richardson et al.
Serial No.: 09/802,745
Filed: March 8, 2001
For: OPTICAL TRANSMISSION SYSTEM AND METHOD
Art Unit: 2633
Examiner: Reza Sedighian

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

04/16/2004 HBERHE 00000053 09802745
01 FC:1806 180.00 DP

Sir:

1. Pursuant to 37 C.F.R. 1.97 and 1.98, and in compliance with 37 C.F.R. 1.56, the Office's attention is directed to the patents, pending applications, publications and other information listed on the attached PTO-1449. A copy of each listed document is enclosed, except for (a) those previously cited or submitted to the Office in the following application(s) upon which this application relies for an earlier filing date under 35 U.S.C. 120, and (b) any U.S. patent or U.S. patent application publication if the present application was filed after June 30, 2003 or entered the national stage under 35 USC § 371 after June 30, 2003:

Serial No.: _____
Filing Date: _____

Regarding any document, publication or other information for which a date is not given on the attached PTO-1449, Applicant(s) believe(s) the same may qualify as "prior" art to this application and should be treated accordingly, although Applicant(s) reserve(s) the right to contest the prior art status of any document, publication or information, should issue arise.

2. Regarding each listed document that is not in the English language, an English-language translation accompanies this Statement as indicated on the attached PTO-1449 or a concise explanation of the relevance of the document is set forth in the following document(s):

- (a) ___ A copy of each English language version of a search report (or EPO Search Report) indicating the degree of relevance found by the foreign office of each document being submitted from the search report, is being submitted herewith or has previously been submitted.
- (b) ___ Attached is a "Concise Explanation of Relevance of Non-English Language Documents".

3. Pursuant to 37 C.F.R. 1.97(b) this Statement is being filed (one must be checked):

- (a) ___ Within 3 months of the filing date or date of entry into the National Stage.
- (b) ___ Before the mailing date of a first Office Action on the merits. If this Statement is not filed before the mailing date of a first Office Action on the merits, the required certification is given below or, in the absence thereof, the Office is authorized to charge the required fee set forth in 37 C.F.R. 1.17(p) to Deposit Account No. 18-0988 for consideration of this Statement.
- (c) ___ Before the mailing date of a first Office Action on the merits after a first or second submission after final rejection under 37 C.F.R. 1.129(a).

(d) X After the period set forth in 37 C.F.R. 1.97(b) but before the mailing date of either a final action or a notice of allowance.

(1) ___ The required certification is given below, or

(2) ___ Enclosed is a check covering the fee set forth in 37 C.F.R. 1.17(p) for consideration of this Statement, or

(3) X Credit Card Payment Form is enclosed covering the fee set forth in 37 C.F.R. 1.17(p) for consideration of this Statement, or

(3) ___ Charge the fee set forth in 37 C.F.R. 1.17(p) to Deposit Account No. 18-0988

(e) ___ After the mailing date of either a final action or a notice of allowance, but before payment of the issue fee. Petition hereby is made for consideration of this Statement and the required certification is indicated below.

(1) ___ Enclosed is a check covering the fee set forth in 37 C.F.R. 1.17(p), or

(2) ___ Charge the fee set forth in 37 C.F.R. 1.17(p) to Deposit Account No. 18-0988.

4. Certification (if applicable)

(a) ___ The undersigned hereby certifies that each item of information contained in this Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than 3 months prior to the filing of this Statement.

(b) ___ The undersigned hereby certifies that no item of information contained in this Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the undersigned's knowledge after making reasonable inquiry, no item of information contained in this statement was known to any individual designated in 37 C.F.R. 1.56(c) more than 3 months prior to the filing of this Statement.

5. The Commissioner is hereby authorized to charge any additional fees or credit any overpayment to Deposit Account No. 18-0988.

Respectfully submitted,

RENNER, OTTO, BOISSELLE & SKLAR, LLP

By Don W. Bulson
Don W. Bulson. Reg. No. 28,192

1621 Euclid Avenue, 19th Floor
Cleveland, Ohio 44115
(216) 621-1113

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8

I hereby certify that this correspondence (along with any paper referenced as being attached or enclosed) is being deposited on the below date with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date: 4-12-04

Jennifer A. Moore
Jennifer A. Moore

| | | |
|---|--|--------------------------|
| Form PTO-1449 (Modified) | Atty Docket No. DYOUP0211US | Serial No. 09/802,745 |
| LIST OF PATENTS AND PUBLICATIONS FOR APPLICANT'S INFORMATION DISCLOSURE STATEMENT (Use several sheets if necessary) | Applicant: David John Richardson et al. | |
| | Filing Date March 8, 2001 | Group 2633 |

U.S. PATENT DOCUMENTS

| Examiner Initial | Document Number | Date (MM/YYYY) | Name | Class | Sub-class | Filing Date if Appropriate |
|------------------|-----------------|----------------|------|-------|-----------|----------------------------|
| | | | | | | |
| | | | | | | |
| | | | | | | |

FOREIGN PATENT DOCUMENTS

| Examiner Initial | Document Number | Date (MM/YYYY) | Country | Class | Sub-class | Translation | |
|------------------|-----------------|----------------|---------|-------|-----------|-------------|----|
| | | | | | | Yes | No |
| | 99/07087 | 02/1999 | WO | | | | |
| | | | | | | | |
| | | | | | | | |

OTHER ART

Technology Center 2600

| Examiner Initial | Author, Title, Date, Pertinent Pages, etc. |
|------------------|--|
| | Geiger, H. et al. "Demonstration of a Simple CDMA Transmitter and Receiver Using Sampled Fibre Gratings." <u>European Conference on Optical Communication</u> . 1 (1998): 337-338. |
| | Grunnet-Jepsen, A. et al. "Demonstration of All-Fiber Sparse Lightwave CDMA Based on Temporal Phase Encoding." <u>IEEE Photonics Technology Letters</u> . 11.10 (1999): 1283-1284. |
| | Benedetto, S. et al. "Analysis of an optical code division multiple access scheme employing Gold sequences." <u>IEE Proceedings</u> . 140.3 (1993): 211-219. |
| | Zhang, J. G. et al. "Tunable Prime-Code Encoder/Decoder for All-Optical CDMA Applications." <u>Electronics Letters</u> . 29.13 (1993): 1211-1212. |

| | |
|----------|-----------------|
| EXAMINER | DATE CONSIDERED |
|----------|-----------------|

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

Information Disclosure Statement PTO-1449 (Modified)

The identification of any reference is not intended to be, and should not be understood as being, an admission that such publication, in fact, constitutes "prior art" within the meaning of applicable law since, for example, a given reference may have a later effective date than first seems apparent or the reference may have an effective date which can be antedated. The "prior art" status of any reference is a matter to be resolved during prosecution.

Z:\SEC152\152IDWB\DYOUN\IP0211\IP0211US.IDS2.wpd (IDS1449.FRM) (2/97)